

1 JEFFREY B. COOPERSMITH (SBN 252819)
WALTER F. BROWN (SBN 130248)
2 MELINDA HAAG (SBN 132612)
RANDALL S. LUSKEY (SBN 240915)
3 STEPHEN A. CAZARES (SBN 201864)

4 ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
5 405 Howard Street
San Francisco, CA 94105-2669
6 Telephone: +1-415-773-5700
Facsimile: +1-415-773-5759
7

8 Email: jcoopersmith@orrick.com; wbrown@orrick.com;
mhaag@orrick.com; rluskey@orrick.com;
9 scazares@orrick.com

10 Attorneys for Defendant
RAMESH "SUNNY" BALWANI
11

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION
15

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 HOLMES, et al.,

20 Defendants.
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Case No. 18-CR-00258-EJD

**STIPULATION AND [PROPOSED]
ORDER FOR TEMPORARY RELEASE
OF DEFENDANT RAMESH "SUNNY"
BALWANI'S PASSPORT TO THE
CUSTODY OF DEFENSE COUNSEL**

Judge: Honorable Edward J. Davila

1 Defendant Ramesh “Sunny” Balwani, by and through undersigned counsel, states as
2 follows:

3 1. On June 15, 2018, as a condition of his release in the above-entitled action, the
4 Court ordered Mr. Balwani to surrender possession of his United States passport (his only
5 passport) to U.S. Pretrial Services. Mr. Balwani surrendered his passport that same day. Pretrial
6 Services currently holds his passport.

7 2. Mr. Balwani’s passport expired on June 26, 2019. Mr. Balwani’s Entry Visa to
8 travel to India expired in March 2019. Mr. Balwani last traveled to India to visit his family in
9 December 2017 and January 2018, during the investigation of this case. The government was
10 informed of the international travel at that time and did not object.

11 3. Mr. Balwani wishes to renew his passport and Visa to India to ensure that he is
12 able to request permission to travel to India, in order to care for or visit his elderly mother, whose
13 health is in rapid decline. The concern is that if he does not renew his passport and Visa, he will
14 be unable to respond to an emergent issue with his mother’s health, if he has to start the process
15 of renewing his passport and applying for a Visa, and seeking Court permission, at that point.

16 4. Mr. Balwani’s mother is 83 years old and has serious health conditions. Mrs.
17 Balwani was hospitalized as recently as April 2-9, 2020.

18 5. Mr. Balwani has been in full compliance with the conditions of his release in this
19 case.

20 6. Mr. Balwani’s counsel has conferred with the government, and the parties agree
21 that, subject to this Court’s approval, U.S. Pretrial Services may temporarily release Mr.
22 Balwani’s expired passport to Orrick, Herrington & Sutcliffe LLP (“Orrick”), counsel for Mr.
23 Balwani, for the purpose of renewing it and for the purpose of applying for a Visa to India.

24 7. Effective March 20, 2020, the U.S. Department of State suspended expedited
25 passport renewal services due to COVID-19. *See*
26 <https://travel.state.gov/content/travel/en/News/passports/passport-covid-19.html>. The State
27 Department website indicates that applicants may still apply to renew passports by mail with
28 routine processing times, although applicants should “expect significant processing delays due to

1 COVID-19.” *See id.*

2 8. Upon release of Mr. Balwani’s passport by Pretrial Services to Orrick, Orrick will
3 arrange for the submission of an application to renew the passport, and then subsequently arrange
4 for the submission of an application for a Visa to India with the passport.

5 9. To renew Mr. Balwani’s passport, after obtaining Mr. Balwani’s expired passport
6 directly from Pretrial Services, Orrick will mail the passport to the National Passport Processing
7 Center. Once the renewed passport is processed, the National Passport Processing Center will
8 return the passport to Orrick at 405 Howard Street, San Francisco CA, 94105.¹

9 10. Once the renewed passport is returned to Orrick, Orrick will submit the passport to
10 the authorized Service Provider for the Embassy of India and its Consulates for Visa processing.²
11 Once the Visa application is processed, Orrick will make every effort to arrange for in-person
12 pickup of the passport with the issued Visa and accompany Mr. Balwani to pick up the passport.
13 If in-person pickup is not available, or Orrick is unable to arrange for the Service Provider to send
14 the passport directly to Orrick, and as a result the passport is returned to the permanent address
15 listed on the Visa application (Mr. Balwani’s home address), Mr. Balwani will immediately
16 return the passport to Orrick, which will then promptly return the passport to U.S. Pretrial
17 Services.

18 11. As noted above, Mr. Balwani is not requesting release of his passport at this time
19 for the purpose of any international travel. Once Mr. Balwani’s passport and Visa have been
20 renewed, Mr. Balwani will request permission from this Court to travel to India at that time.

21 In light of the foregoing, the parties stipulate and agree that, subject to this Court’s
22 approval, U.S. Pretrial Services may temporarily release Mr. Balwani’s expired passport to
23 Orrick, counsel for Mr. Balwani, for the purpose of renewing it and for the purpose of applying
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25 ¹ Mr. Balwani’s counsel conferred with a representative at the National Passport Information Center (see
26 <https://travel.state.gov/content/travel/en/contact-us/passports.html>), who confirmed that the renewed passport can
27 be returned to an address other than the mailing address of the applicant, provided the applicant call the National
28 Passport Information Center 7-10 days after applying for passport renewal and specify an updated address for the
passport’s return.

² Due to the COVID-19 pandemic, the San Francisco Office of the authorized service provider for the Embassy of
India for visa processing is currently closed until further notice.

1 for a Visa to India.

2 **IT IS SO STIPULATED.**

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4 Dated: May 15, 2020

ADAM A. REEVES

Attorney for the United States Acting Under
Authority Conferred by 28 U.S.C. § 515

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6
7 /s/ Jeff B. Schenk

JEFF B. SCHENK

JOHN C. BOSTIC

ROBERT S. LEACH

VANESSA BAEHR-JONES

Assistant United States Attorneys

11
12 ORRICK, HERRINGTON & SUTCLIFFE LLP

13 /s/ Jeffrey B. Coopersmith

JEFFREY B. COOPERSMITH

WALTER F. BROWN

MELINDA HAAG

RANDALL S. LUSKEY

STEPHEN A. CAZARES

Attorneys for Ramesh "Sunny" Balwani

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19 **Filer's Attestation:** Pursuant to Local Rule 5-1, I attest under penalty of perjury that concurrence
20 in the filing of the document has been obtained from its signatory.

21 Dated: May 15, 2020

By: /s/ Jeffrey B. Coopersmith

22 JEFFREY B. COOPERSMITH

DEFENDANT'S NOTICE OF PRETRIAL SERVICES POSITION

Counsel for Mr. Balwani inquired with Mr. Balwani's Pretrial Services Officer, Bradley Wilson, by email on May 13, 2020, and with that email sent Mr. Wilson a copy of the Stipulation with the government. Mr. Wilson responded on May 15, 2020 that he is agreeable.

Dated: May 15, 2020

By: /s/ Jeffrey B. Coopersmith

JEFFREY B. COOPERSMITH

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

1. U.S. Pretrial Services shall immediately release Ramesh “Sunny” Balwani’s U.S. passport to Orrick, Herrington & Sutcliffe on a temporary basis for the purpose of permitting Orrick, Herrington & Sutcliffe to arrange for the renewal of Mr. Balwani’s passport and for Mr. Balwani’s application for a Visa to travel to India.

2. Orrick, Herrington & Sutcliffe shall return Mr. Balwani’s passport to U.S. Pretrial Services at 450 Golden Gate Ave., San Francisco, CA 94102 promptly after Mr. Balwani’s passport is returned upon the conclusion of the Visa application process.

Dated: May ____, 2020

EDWARD J. DAVILA
UNITED STATES DISTRICT JUDGE